PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                    |  |                     |
|--------------------|--|---------------------|
| Applicants:        | Avolio et al.                            |                     |
| U. S. Serial No.:  | 10/500,971                               | Case No.: ITT0039YP |
| Int'l Appl'n No.:  | PCT/GB03/00124                           |                     |
| Int'l Filing Date: | 01/15/2003                               |                     |
| For:               | PYRIMIDINONE VIRAL POLYMERASE INHIBITORS |                     |

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Sir:

Enclosed is the Declaration under 35 U.S.C. 371, being submitted in response to the Notification of Missing Requirements mailed January 6, 2005 (hereinafter "Notice"). A copy of the Notice is also enclosed.

Please charge Merck & Co., Inc.'s Deposit Account No. 13-2755 in the amount of \$130.00, the fee for furnishing the declaration later than 30 months from the earliest claimed priority date

Respectfully submitted,

By

Kenneth R. Walton

Kenneth R. Walton, Reg. No. 32,951  
Attorney for Applicants  
MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
Tel.: (732) 594-3462

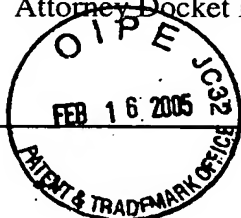
Enclosures  
Date: February 14, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Jamila R. H. Date 2/14/05

Application Number: 10/500,971  
Filing Date: 07/02/2004  
First Named Inventor: Avolio  
Group Art Unit: Not Yet Assigned  
Examiner Name: Not Yet Assigned  
Attorney Docket Number: ITT0039YP

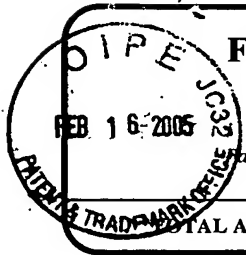


### FIRST CLASS MAIL CERTIFICATE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

**MERCK & CO., INC.**

MAILED BY Jamila R. Watson DATE 2/14/05



# FEE TRANSMITTAL

Patent fees are subject to annual revision.

## Complete if Known

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/500,971       |
| Filing Date            | July 2, 2004     |
| First Named Inventor   | Avolio           |
| Examiner Name          | Not Yet Assigned |
| Group Art Unit         | Not Yet Assigned |
| Attorney Docket Number | ITT0039YP        |

TOTAL AMOUNT OF PAYMENT \$130

## METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number **13-2755**  
Deposit Account Name **Merck & Co., Inc.**

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid |
|----------------|-----------------|------------------------|----------|
| 1001           | 790             | Utility filing fee     |          |
| 1002           | 350             | Design filing fee      |          |
| 1004           | 790             | Reissue filing fee     |          |
| 1005           | 160             | Provisional filing fee |          |
| SUBTOTAL(1)    |                 |                        | \$0      |

### 2. EXTRA CLAIM FEES

|                           | Extra | Fee from below | Fee Paid |
|---------------------------|-------|----------------|----------|
| Total Claims              | 20    | 0              | 0        |
| Independent Claims        | 3     | 0              | 0        |
| Multiple Dependent Claims |       | \$300          |          |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Fee Code | Entity Fee (\$) | Fee Description   |
|----------------|-----------------|---|
| 1202           | 18              | Claims in excess of 20                                    |
| 1201           | 88              | Independent claims in excess of 3                         |
| 1203           | 300             | Multiple dependent claim, if not paid                     |
| 1204           | 88              | **Reissue independent claims over original patent         |
| 1205           | 18              | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL(2) \$0

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Fee Code      | Entity Fee (\$) | Fee Description  | Fee Paid |
|---------------------|-----------------|--|----------|
| 1051                | 130             | Surcharge - late filing fee or oath  | 130      |
| 1053                | 130             | Non-English specification  |          |
| 1812                | 2,520           | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1251                | 110             | Extension for reply within first month                                     |          |
| 1252                | 430             | Extension for reply within second month                                    |          |
| 1253                | 980             | Extension for reply within third month                                     |          |
| 1254                | 1,530           | Extension for reply within fourth month                                    |          |
| 1255                | 2,080           | Extension for reply within fifth month                                     |          |
| 1401                | 340             | Notice of Appeal   |          |
| 1402                | 340             | Filing a brief in support of an appeal                                     |          |
| 1403                | 300             | Request for oral hearing   |          |
| 1452                | 110             | Petition to revive - unavoidable   |          |
| 1453                | 1,370           | Petition to revive - unintentional   |          |
| 1501                | 1,370           | Utility issue fee (or reissue)   |          |
| 1502                | 490             | Design issue fee   |          |
| 1460                | 130             | Petitions to the Commissioner  |          |
| 1807                | 50              | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                | 180             | Submission of Information Disclosure Statement                             |          |
| 8021                | 40              | Recording each patent assignment per property (times number of properties) |          |
| 1809                | 790             | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                | 790             | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                | 790             | Request for Continued Examination (RCE)                                    |          |
| Other fee (specify) |                 |  |          |
| Other fee (specify) |                 |  |          |
| SUBTOTAL(3)         |                 |  | \$130    |

## SUBMITTED BY

## Complete (if applicable)

|                       |                          |                         |        |
|-----------------------|--------------------------|-------------------------|--------|
| Typed or Printed Name | Kenneth R. Walton        | Reg. Number             | 32,951 |
| Signature             | <i>Kenneth R. Walton</i> | Deposit Account User ID |        |
| Date                  | 01/14/2005               |                         |        |

IN DUPLICATE



UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKETED

11 2005

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/500,971

LORE SCHEPIS

Salvatore Avello

ATTY. DOCKET NO.

ITT0039YP

INTERNATIONAL APPLICATION NO.

PCT/GB03/00124

IA. FILING DATE

01/15/2003

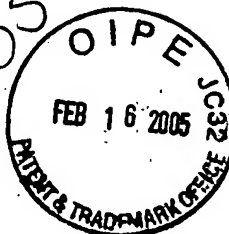
PRIORITY DATE

01/18/2002

000210

MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

*NMP  
oath due 3/6/05*



CONFIRMATION NO. 1846

371 FORMALITIES LETTER



\*OC000000014873414\*

Date Mailed: 01/06/2005

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/02/2004
- Copy of the International Search Report filed on 07/02/2004
- Copy of IPE Report filed on 07/02/2004
- Preliminary Amendments filed on 07/02/2004
- Copy of references cited in ISR filed on 07/02/2004
- U.S. Basic National Fees filed on 07/02/2004
- Priority Documents filed on 07/02/2004

PATENT DEPARTMENT

JAN 12 2005

KENNETH R. WALTON

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/500,971                  | PCT/GB03/00124                | ITT0039YP        |